



AF/1743 JPL

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

38

Application Number

09/349,380

Filing Date

July 9, 1999

First Named Inventor

Jasper, John P.

Art Unit

1743

Examiner Name

Siefke, Samuel P.

Attorney Docket Number

JASJ-1

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☒

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Statement of the Substance of the Interview;

Collection of the Summaries of the Interview
of June 22, 2003

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Krieg DeVault Lundy LLP

Signature

Printed name

David A. Lundy

Date

07/20/2005

Reg. No.

22,162

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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07/20/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jasper, John P.)
Serial No.: 09/349,380)
Filed: July 9, 1999) Group Art Unit: 1743
Title: A STABLE ISOTOPIC) Examiner: Siefke, Samuel P.
IDENTIFICATION AND)
METHOD FOR IDENTIFYING)
PRODUCTS BY ISOTOPIC)
CONCENTRATION)

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant has received an Interview Summary attached to the Advisory Action dated July

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Michael S. Bue
Signature

7-20-05
Date of Signature

6, 2005. The Interview Summary indicates that the Examiner had a telephonic interview with Applicant's Attorney on June 30, 2005, in which all of the claims were discussed; no agreement as to the claims was reached, and that Applicant's Attorney was informed that the amendments were not going to be entered because they raised new issues that would require a further search and consideration. No "fuller description" and no copy of amendments that would render the claims allowable and no summary were attached.

Applicant's Attorney has absolutely no recollection of any telephonic conversation with the Examiner on June 30, 2005, or on any date in June or July, 2005, with regard to the above-identified application. Applicant's Attorney has checked the firm's telephone records in which each telephone call received by the firm is logged each day. That record also reflects that no telephone call was received from the Examiner on June 30, 2005, or any day in June or July, 2005. Applicant's Attorney has no recollection of talking to either Examiner Siefke or Examiner Warden subsequent to the filing of the proposed Amendment on June 3, 2005.

Respectfully submitted,

David A. Lundy
Reg. No. 22,162



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jasper, John P.)
Serial No.: 09/349,380)
Filed: July 9, 1999) Group Art Unit: 1743
Title: A STABLE ISOTOPIC) Examiner: Siefke, Samuel P.
IDENTIFICATION AND)
METHOD FOR IDENTIFYING)
PRODUCTS BY ISOTOPIC)
CONCENTRATION)

COLLECTION OF THE SUMMARIES OF THE INTERVIEW OF JUNE 22, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An interview in the above-identified application was conducted on June 22, 2004 in a conference room adjacent the Examiner's offices in the United States Patent Office in Alexandria, Virginia. Attending the interview in person was Examiner Samuel P. Siefke and supervisory Patent Examiner Jill Warden both of Technology Center 1700.

I hereby certify that this correspondence is being faxed and deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2005.

Michael Burke
Signature

7-20-2005
Date of Signature

Both Examiner Siefke and Warden summarized the interview after it was completed. Applicant summarized the interview in the Amendment dated August 10, 2004. Examiner Siefke summarized the interview in the Interview Summary dated June 22, 2004 and Examiner Warden summarized the interview in the Advisory Action dated July 6, 2004. For the clarity of the File History, Applicant collects all of these summaries and restates them herein.

On June 22, 2004 Examiner Siefke stated:

“Applicant and Applicant’s representatives discussed general art and application. No agreement was reached. Office gave suggestions to Applicant to amend claims.”

The Amendment dated June 3, 2004 was prepared and filed for the purpose of providing an outline of the discussion during the interview. Prior to the interview Applicant’s attorney and the Examiner defined issues for discussion. These issues are listed in the remarks section of the response dated June 3, 2004.

Applicant summarized the interview of June 22, 2004 in the remarks section of the Amendment dated August 10, 2004 stating

“Applicant sincerely thanks Examiner Siefke and Warden for the personal interview granted Applicant on June 22, 2004. This Amendment is being filed in furtherance of that interview. By this amendment, Applicant wishes to supplement the remarks of the Amendment dated June 16, 2004 with (1) copies of Applicant’s analysis of the Welle patent and why the Welle patent is not a good reference and does not either anticipate or render obvious Applicant’s claims, and (2) copies of Applicant’s publications and the publication by Hayes referenced in Applicant’s comments on Welle (1) above. Thus Applicant incorporates into this Amendment, all of the Amendments made and all of the remarks of the Supplemental Amendment dated June 16, 2004, as if they were reproduced herein.”

Applicant then attached to the Amendment dated August 10, 2004 copies of Applicant’s publications and the publication by Hayes referenced in the interview and in the Amendment

dated August 10, 2004.

Examiner Warden further summarized the interview of June 22, 2004 in an Advisory Action dated July 6, 2004 stating

“The amended claims raise new issues that would require further consideration and a search, therefore, they will not be entered. Applicant scheduled an interview on June 22, 2004. Discussion about the prior art was discussed and arguments submitted on June 3, were discussed. No agreement with respect to the claims was reached, the Office giving Applicant some suggestions and direction as to amend the claims to overcome the prior art.”

Applicant then further supplemented the interview of June 22, 2004 in a facsimile dated June 30, 2004 stating

“The two Supplemental Amendments dated June 16, 2004 and June 30, 2004 enclosed are being filed today by U.S. Mail. The Supplemental Amendment dated June 16, 2004 amends the claims to include the language ‘in their anthropogenically unaltered concentrations.’ The Supplemental Amendment dated June 30, 2004 gives to you our arguments as to why the Welle reference is not a good reference to reject Applicant’s claims under §102 or 103. Included with Applicant’s filing by U.S. Mail are the publications of Jasper and Hayes we discussed at the interview on June 22, 2004.”

Examiner Warden further summarized the interview of June 22, 2004 in the Advisory Action dated August 6, 2004 stating

“The Applicant amended Claim 17 to include the phrase ‘anthropogenically unaltered concentrations’. This raised new issues that would require further consideration and a search, therefore the Amendment will not be entered. The submitted remarks and arguments submitted on July 2, 2004 are identical to the remarks and arguments submitted on June 3, 2004 with the exception of the addition of ‘anthropogenically’ to Claim 17. The Applicant scheduled an interview on June 22, 2004 discussion about the prior art was discussed and arguments from the Applicant’s arguments submitted on June 3, 2004 were discussed. No agreement with respect to the Claim was reached. The Office has given the Applicant some suggestions and directions as to

amend the claims to overcome the prior art but did not amend Claim 17 accordingly. The Office informed Applicant at the interview that if the claim was amended to include the addition of "anthropogenically" to Claim 17, the Office would reply with an Advisory Action that raises new issues and would require a new search. The addition of 'anthropogenically' brings up a new matter issue because the mention of 'naturally occurring stable isotopes of said product in their in their anthropogenically unaltered concentration' is not in the specification."

Respectfully submitted,

David A. Lundy
Reg. No. 22,162